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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/072,401	02/06/2002	Helen Bucknall	FBRIC25.001AUS	4791
20995	7590	04/04/2006	EXAMINER	
KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614			NGUYEN, BINH AN DUC	
			ART UNIT	PAPER NUMBER
			3713	

DATE MAILED: 04/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/072,401

Applicant(s)

BUCKNALL ET AL.

Examiner

Binh-An D. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 January 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-9 and 11-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-9 and 11-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08).  
Paper No(s)/Mail Date 1/13/06.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

The Amendment filed January 3, 2006 has been received. According to the Amendment, claims 18, 22, and 24 have been amended. Currently, claims 1, 3-9, and 11-24 are pending in the application. Acknowledgment has been made.

### ***Claim Objections***

Claims 18, 23, and 24 are objected to because of the following informalities:

In claim 18, the recited term "said program" (line 4) should be changed to "said instructions comprise the steps of".

Claims 23 and 24 should be amended to "The method of claim 22..."

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-9, and 11-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aristocrat Leisure Industries (WO 99/64997) in view of Buxton et al. (6,118,427).

Regarding claims 1, 3, 4, 5, 7, 9, 16-19, 20, 21, and 22, WO 99/64997 teaches method (and system thereto) for enhancing a screen display of a gaming machine comprising: *creating or generating* a background scene for a game screen of a spinning reel game; *creating or generating* a video representation of a plurality of spinning reels, each reel comprising a set of composite symbols defining active components of the spinning reel game which are spun up on the reels to provide for various combinations of the composite symbols, at least one of the combinations being a winning combination wherein the composite symbols overlies the background scene (formed by plurality of symbols randomly selected and displayed animated line, page 2, lines 9-32); composite symbols comprises a carrier portion and a game symbol portion, rendering at least the carrier portions of certain of composite symbols transparent to enable the background scene to be viewed through the carrier portions of the composite symbol (background of footsteps including the transparent portion of the footsteps) (i.e., the transparent portion between the shoe and the heel of the footsteps, figs.4a-4c); displaying the background scene and the representation of the plurality of spinning reel with at least one pay line identified, game symbol portions displayed on said at least one pay line defining a winning or a losing outcome; and highlighting the game symbol portion of any composite symbol on a pay-line for a winning combination (page 2, line 9 to page 3, line 30, fig.4a-4c). Note that, the WO 99/64997 reference is relied on for its teaching of the transparent graphics, i.e., the footstep symbols which overlaid the background graphics.

WO 99/64997 does not explicitly teach the limitations of: wherein the composite symbols of each reel are arranged (or cooperated) end-to end such that the carrier

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portions of the at least certain composite symbols define in combination a transparent reel strip portion through which the underlying back ground scene is viewable (claim 1, 9, and 16-19, 22-24); rendering the portion of each composite symbol transparent by a software implementation (claim 3); setting the portion of each composite symbol to an appropriate alpha channel value in an alpha channel range to achieve transparency of the portion of each composite symbol (claim 4); employing an objects based graphics system for development of the composite symbol with portions of the composite symbol being rendered opaque (claim 5); placing a part of the background scene over the composite symbol (claim 7). Buxton et al., however, teaches a graphical user interface comprising the limitations of the composite symbols arranged end-to end (Fig. 1); rendering the portion of each composite symbol transparent by a software implementation (see the abstract and 3:36-4:56); producing transparency levels, alpha blending (11:1-12:67; 16:63-17:33); employing an objects based graphics system for development of the composite symbol (non-surface components 1404) with portions of the composite symbol (non-surface components 1404) being rendered opaque (14:1-14). Buxton et al, further teaches rendering at least a portion of each non-surface components 1404 transparent to enable the background scene to be viewed through the composite symbol (Figures 1, 2, and 14). It would have been obvious to a person of ordinary skill in the art at the time of the invention to utilize Buxton et al. 's graphical user interface to generate graphics for the gaming system and method of WO 99/64997 to come up with a gaming machine having attractive graphical affects thus attract more players and increase profit.

Note that, the term “carrier” is considered as the background of each symbol or the symbol’s bounding box.

Further, note that, the limitations of placing a part of the background scene over the composite symbol (claim 7), e.g., switching graphic layers to create animation effects such as flashing; and setting the portion of each composite symbol to an appropriate alpha channel value in an alpha channel range to achieve transparency of the portion of each composite symbol (claim 4), e.g., setting the alpha channel of a graphic to certain desired ranges to control the transparency level of certain designed graphic are notoriously well known in the graphic design industry. See also, Buxton et al.’s 2:32-3:19.

Regarding claims 6, 8, 11, and 12, WO 99/64997 further teaches causing the composite symbol itself to be flashed on and off directly on top of the underlying part of the background scene so that the background scene remains visible and any background animations continue while the composite symbol (animated line) flashes; placing a flashing composite symbol animation (animated line) on top of the part of the background scene (formed by plurality of symbols randomly selected and displayed) to provide a flashing composite symbol.

Furthermore, it is notoriously well known in the game industry to use transparency graphics, e.g., transparent GIF, animated GIF, or transparency graphics setting from different graphical user interface (GUI) packages.

### ***Response to Arguments***

Applicant's arguments filed January 3, 2006 have been fully considered but they are not persuasive.

Applicant's arguments with respect to claims 22-24 (Applicant's remarks, pages 8-9) have been considered but are moot in view of the new ground(s) of rejection.

Applicant's argument regarding Aristocrat (WO 99/64997) not teaching a symbol with transparent part (applicant's remarks, page 10 to page 11, first full paragraph) is not persuasive. The WO 99/64997 reference has been relied on for the teaching of generating transparent graphics, *i.e., the footstep symbols, having transparent portions around the heel and toe, and overlaid the background graphics (figs. 4a-4c).*

Further, in response to applicant's argument that there is no suggestion to combine the references (applicant's remarks, page 11, second paragraph), the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the WO 99/64997 reference teaches generating transparent graphics symbols and the Buxton reference teaches a graphical generating system and method having transparency level adjustments having composite symbols arranged end-to-end (Fig. 1). Note that, by modifying the composite symbols of Aristocrat using the composite layers arrangement and transparency adjustment of Buxton et al. would result in various combinations of the composite

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symbols at least some of the combinations being winning combinations and wherein at least certain of the at least carrier portions are rendered transparent to enable a background scene to be viewed through the carrier portion as claimed by the applicant.

Thus, it would have been obvious to provide the graphic generating technique of Buxton to the symbols and background scenes of Aristocrat's video gaming machine to enhance graphical affects of the game.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.




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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh-An D. Nguyen whose telephone number is 571-272-4440. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on 571-272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BN

  
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TC3700